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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,893	02/04/2004	Pravin K. Narwankar	008209	5371
45401 7590 10/15/2009 APPLIED MATERIALS/BSTZ BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			USA/FEP/GCM/PJS	
			EXAMINER	
			GAMBETTA, KELLY M	
			ART UNIT	PAPER NUMBER
			1792	
			MAIL DATE	DELIVERY MODE
			10/15/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Supplemental  
Notice of Allowability**

Application No.

10/772,893

Examiner

KELLY GAMBETTA

Applicant(s)

NARWANKAR ET AL.

Art Unit

1792

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment after non-final of 8 June 2009.
2. ☒ The allowed claim(s) is/are 1,3,4,6-8,10-12,14,15,17,18,20-22,24,26,27 and 29-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other ____.   |

### **DETAILED ACTION**

Due to a typo concerning claim 24 on the PTOL-85 form and the allowable subject matter, this supplemental notice of allowability is issued. The typos have been corrected per the applicant's request. Please see the notice of allowance of 30 September 2009 for other attachments (Interview summary, PTO-892) that are not included here.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Justin Brask on 24 September 2009.

The application has been amended as follows:

Please cancel claims 38, 39, 41 and 42.

***Allowable Subject Matter***

Claims 1, 3-4, 6-8, 10-12, 14-15, 17-18, 20-22 , 24, 26-27, and 29-32 are allowed. Upon further review of the prior art, it was found that Bernashel et al. (as previously cited in other office actions) did have only one nitrogen concentration peak, but it was near the interface closest to the substrate and not near the film's surface, as claimed. Upon further searching, It was found that other prior art (for example, Hao et al. US 5939763) did teach a nitrogen concentration peak at the surface of the film using RTP, but failed to teach only one nitrogen concentration peak in the film as claimed. Hao et al., and other similar prior art, teaches two peaks – one at the surface of the film and one at the interface of the film with the substrate or any other underlying films. Though there is motivation present to add a nitrogen concentration peak at the surface as taught by Hao et al. to the film of Bernashel et al., there is no motivation present to combine the one peak process of Bernashel et al. with the two peak process of Hao et al. One of ordinary skill in the art would not be motivated to simply replace the peak near the substrate with the peak near the surface without adding another peak near the substrate. Therefore, alone or in combination, the prior art does not meet the limitations of the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KELLY GAMBETTA whose telephone number is (571)272-2668. The examiner can normally be reached on Monday - Thursday 7:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kelly M Gambetta  
Examiner  
Art Unit 1792

kmg

/Timothy H Meeks/  
Supervisory Patent Examiner, Art Unit 1792